

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**JERRY DALE NICHOLS**

**Plaintiff,**

**v.**

**NANCY A. BERRYHILL<sup>1</sup>,  
Deputy Commissioner for Operations,  
Performing the Duties and Functions  
Not Reserved to the COMMISSONER  
of SOCIAL SECURITY,**

**Defendant.**

**Civil No.: 1:18cv00085-JMV**

**ORDER ON PETITION FOR ATTORNEY FEES**

Before the Court are Plaintiff's motion [22] for attorney fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d), and Defendant's response [23]. For the reasons set out below, the motion will be granted.

In these proceedings Plaintiff sought judicial review of the Social Security Commissioner's final decision denying a claim for benefits. By Final Judgment [21] dated May 22, 2019, this Court reversed and remanded this case to the Commissioner for further proceedings. Plaintiff now seeks attorney fees in the amount of \$7,864.45 for attorney work before this Court plus \$420.10 in costs on the ground that Plaintiff was the prevailing party. Defendant indicates he has no objection to the requested award.

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<sup>1</sup> Andrew Saul was sworn in as Commissioner of Social Security on June 17, 2019. Pursuant to FED.R.CIV.P. 25(d), he is automatically substituted as the Defendant in this matter.

The Court, having thoroughly considered the motion, the response, and the applicable law, finds the requested award is reasonable, and no special circumstance would make the award unjust.

**THEREFORE, IT IS ORDERED:**

That the Commissioner shall promptly pay to Plaintiff a total of \$7,864.45 in attorney fees plus \$420.10 in costs, mailed in care of Plaintiff's counsel.

This 7<sup>th</sup> day of August, 2019.

/s/ Jane M. Virden  
U. S. MAGISTRATE JUDGE